

**REGULAR MONTHLY MEETING
PIKE COUNTY BOARD OF COMMISSIONERS
September 29, 2009
6:30 pm**

The Pike County Board of Commissioners held their Regular Monthly Meeting on Tuesday, September 29, 2009 at 6:30 pm in the Commissioners meeting room located at 79 Jackson Street, Zebulon, Georgia. Members present were presiding Chairman Doug Mangham, Commissioner Roosevelt Willis, Commissioner Parrish Swift, Commissioner Tommy Powers and Commissioner Don Collins. Also in attendance were County Attorney Rob Morton and County Manager Steve Marro. (O.C.G.A. § 50-14-1(e) (2))

CHAIRMAN MANGHAM CALLED THE PIKE COUNTY COMMISSIONERS MEETING TO ORDER AND ASKED EVERYONE TO JOIN HIM IN THE PLEDGE OF ALLEGIANCE TO THE FLAG.

CHAIRMAN MANGHAM CALLED FOR APPROVAL OF THE AGENDA PURSUANT TO O.C.G.A. § 50-14-1(e) (1).

MOTION

Commissioner Powers made the motion to approve the agenda as written. Commissioner Willis seconded the motion. 4-0 vote.

CHAIRMAN MANGHAM CALLED FOR APPROVAL OF THE MINUTES OF THE REGULAR MONTHLY MEETING HELD WEDNESDAY, SEPTEMBER 9, 2009 AT 9:00 AM PURSUANT TO O.C.G.A. § 50-14-1(e) (2)

MOTION

Commissioner Willis made the motion to approve the minutes as corrected. Commissioner Powers seconded the motion. 4-0 vote.

CHAIRMAN MANGHAM CALLED FOR APPROVAL OF THE MINUTES OF THE SPECIAL CALLED MEETING HELD THURSDAY, SEPTEMBER 17, 2009 AT 3:00 PM PURSUANT TO O.C.G.A. § 50-14-1(e) (2)

MOTION

Commissioner Collins made the motion to approve the minutes as written. Commissioner Powers seconded the motion. 4-0 vote.

CHAIRMAN MANGHAM CALLED FOR INVITED GUESTS

1. Mr. Jon Spaller, P.G., GEC will address the Municipal Solid Waste Landfill and the letter in your packets from the Georgia Department of Natural Resources dated September 16, 2009. County Manager Marro introduced Mr. Spaller to the Board and said he had requested that Mr. Spaller speak to the Board regarding the letter received dated September 16th. Mr. Marro said that there had been some discussion at previous meetings as to the activities that this Board should take pertaining to the landfill closure. Mr. Marro asked that Mr. Spaller discuss and explain the letter to the Board. Mr. Spaller said that he works for Geotechnical Environmental Consultants, GEC. Their company has been involved with services at the landfill on County Farm Road since 1993. They started with the groundwater monitoring well installation, the methane well installation, closure certification, testing of the cap soils, and currently perform the environmental monitoring of the facility which includes groundwater, surface water and methane sampling at the landfill. The groundwater and surface water sampling is done twice a year; methane monitoring is done four times a year. Mr. Spaller said that part of the groundwater reporting is a statistical analysis of all of the historical data that has been accumulated since 1994. These statistical tests are dictated by the rules of solid waste management that the EPD has put out. Mr. Spaller said that the letter written on September 16th is difficult to read if you are not familiar with the terminology. This letter requests that the testing that is being done is 'tweaked' to use a different statistical method on some of the analysis. This will probably influence the conclusions of the most recent report. The tests indicate, according to the rules that the county should continue with what is called detection monitoring at the facility. Mr. Spaller said that if the testing shows that the monitoring levels exceed the maximum contaminant levels, then the rules dictate that certain steps are taken. This will move the county towards what is called an assessment of corrective measures. Mr. Spaller said that this is not a big deal and that he is not greatly concerned. Commissioner Swift asked what this meant and what would the next step be. Mr. Spaller said that this indicates that the landfill is not in compliance with the rules and the assessment is to assess what corrective actions will have to be taken to return the landfill to compliance with the permit conditions. Commissioner Swift asked how long it takes to become compliant because the county has been working on this since 1993. Commissioner Swift asked if the county is mandated by the government on all of this. Mr. Spaller said that this is in the rules of solid waste management under the solid waste management act. There are specific steps that need to be taken. The assessment of corrective measures will determine how far the contaminants have migrated from the wells that they are detecting them in and how deep they've gone. Additional field exploration will need to be done to define the plume. County Manager Marro asked if Mr. Spaller was saying that the county will need to drill more wells. Mr. Spaller said yes. These may be temporary wells or permanent wells. Mr. Spaller said that the levels that are detected aren't that serious but they exceed the groundwater standards. They don't have any indication that there is a threat to the public at this time. No drinking water wells are in the immediate proximity

of the landfill and the water flows very slowly underground. There is no indication that it is not on the landfill property. They will need to show the state that the contaminants of concern have not left the property limits. This will be done by drilling additional wells at the boundary of the property. The solution is a lot easier if the contaminants have not left the property than if they have. A timeline has been requested for the start of this process. Commissioner Swift asked how many wells will be required. Mr. Spaller said that there are three wells that are showing contamination. They'll need to step out from there and drill another one deeper. He estimated the need for ten or less temporary wells. Commissioner Swift asked how deep these wells will be. Mr. Spaller said 30-40 feet. Commissioner Swift asked if the cost estimate will be around \$50,000.00 and Mr. Spaller said yes, in that ballpark. Commissioner Collins said that he has only been on the Board since the first of this year but has been involved with this landfill from day one when they started to close it. He asked what happened in 2002 when the county was one inspection away from closing that landfill. Mr. Spaller said that the landfill had been closed since 1993. What they had applied for in 2004 was the release from post-closure care. Mr. Spaller said that the EPD made a deal in the early 90's with everybody with the intent of closing the small landfills and they said if you close and put in monitor wells and test them for five years and if you don't have any contamination indicated by the wells the EPD will release them from post closure care. The EPD was never going to release the county from total care, meaning that the county would still need to mow the grass, keep the fence up, etc. the main expense of the maintenance is the monitoring of the wells and doing the methane monitoring. Mr. Spaller said that they had applied for it and everyone thought that it would be approved but the EPD sat on the application for two and a half years. They didn't want to approve the application or release anybody. Commissioner Swift asked if this was about money. Mr. Spaller said that he thought that the EPD was just being very conservative. They don't want to release something and then come back later to find a problem. Commissioner Collins said that the county had received some correspondence stating that we could be the first landfill that was officially closed and approved. All of a sudden, we're five years later and are having to put in more monitoring wells and keep continuing this process. Commissioner Collins said that he thinks that new personnel comes in and makes new rules. Commissioner Collins said that he had suggested a while ago that all of this information be compiled and a meeting be set with the EPD. Commissioner Swift said that he didn't think that would do any good, saying he thought it was a scapegoat on liability. Mr. Marro said that he and County Attorney Rob Morton did a lot of research. A meeting was held with Mr. Marro, Mr. Morton, Public Works Director Todd Goolsby and Mr. Spaller. When the constituents began to show up in 2004, the Board of Commissioners should have been made aware of this and that the closure would never occur. Mr. Marro asked Mr. Spaller when he thought that the EPD would begin putting pressure on the county to drill these monitoring wells. Mr. Spaller said that the EPD doesn't push real hard for the timeline and thought that they could be done in 2010. He said it could be done in late 2010 or 2011 if you'd really like to push it. Mr. Marro asked if it would do any good to sit down with EPD. Mr. Spaller said that he didn't think so. They're pretty much going to go by the rules. They're going to say that they're glad that the county wasn't released from

post closure care because now contamination is showing up. Mr. Spaller said that there is a bit of a silver lining in all of this. If you are kicked into assessment of corrective measures, the site will probably be listed on the hazardous site inventory which will make the county eligible for reimbursement for most of the cost over and beyond your normal monitoring costs. This would be from the hazardous waste trust fund. The county would have to pay the money out and then wait for reimbursement. Mr. Spaller said that the constituents will eventually go away but most likely not in our lifetime. County Attorney Morton clarified that the standard monitoring period after the closing of any landfill is 30 years. Mr. Spaller agreed that it was 30 years. Mr. Morton said that if the county is required to take this corrective measure, the county can resubmit an application for expedited closure after taking the corrective action. Mr. Morton said to answer Commissioner Collins' question earlier, there was some methane showing in the early 2000's but they were within acceptable levels. Commissioner Swift said that the Board needs to look at budgeting \$50,000.00 in the 2010/2011 budget.

2. The County Manager has requested Mr. Tommy Burnsed to give the Board an update on the Water Planning District's processes, to-date. Mr. Marro said that the article is self explanatory but resulted from a trip that he took with Mr. Burnsed and Mayor Mike Beres to Oglethorpe to listen to the third session of the Upper Flint Water Planning Council. Mr. Burnsed said that there are ten regional water commissions in the state of Georgia. Each commission is comprised of 25 members for a total membership of 250. Mr. Burnsed said that the key to this is that it does not include the 15 county metro Atlanta area. These counties are not part of the planning commission. They are a separate entity of their own. Mr. Burnsed said that what disturbs him in this process is that the EPD is trying to tell the Water Planning Council what to write yet the council will be the scapegoat for the through 2050 water plan for the state. This plan is about conservation and usage. Mr. Burnsed said "we are losing control of our water. The state claims all the water now already". Mr. Burnsed said that anybody that uses over 100,000 gallons of water a day is required to have a meter on that well as of July 1st. That is required for a lake, reservoir, river, etc. The next goal is for anyone that uses less than 100,000 gallons of water for commercial purposes. Mr. Burnsed said that he feels that we are conserving water for somebody else because we have conserve water here and everywhere downstream. Mr. Burnsed said that using the 2010 census, water will be allocated to Pike County. With the current water usage, we will run out of water by 2040, per Mr. Burnsed. They are trying to extend this through 2050. Mr. Burnsed said that he asked why the Metro Water Commission was not meeting with the other groups until now. A representative of the Metro Water Commission was present at the last meeting. The Metro Water Commission said that they are going to build six reservoirs. It was asked if those six reservoirs were going to be in the 15 county metro area. They were assured that they would be. Mr. Burnsed said that he had heard speculation of a reservoir on the Flint River but he had been told that they would be in the 15 county area. Commercial users such as a car wash will see their water bills double. Mr. Burnsed said that a scary number being discussed is an average of 76 gallons per capita per day of water use. The average home of two people uses 6,000 gallons of water a month. Mr. Burnsed said that the EPD is behind

the whole issue and it really scares him. The Water Commissions can make all of the recommendations that they want but the EPD has the final say. Mr. Burnsed said that water is something that has been taken for granted for many years. Mr. Burnsed said that he thinks the water wars with Alabama and Florida have a lot to do with this. The states of Alabama, South Carolina, North Carolina, Tennessee and Florida also have a stake in this. Mr. Burnsed said that he will keep the Board updated.

CHAIRMAN MANGHAM CALLED FOR REPORTS FROM COMMISSIONERS, DEPARTMENTS AND COMMITTEES-MONTHLY REPORTS SUBMITTED FROM COUNTY DEPARTMENTS AND COUNTY AUTHORITIES.

Commissioner Swift asked why there is a sheriff's report in with the Tax Assessor's minutes pertaining to a dog complaint. Commissioner Willis stated that two of the assessors went out and a dog ran after them and one of them got hurt. Commissioner Swift said that they were just scared. County Manager Marro said that they were run back into their truck. Mr. Marro said that according to their report, the resident released pit bulls and the two employees ran back to the truck. He didn't know if one of them got hurt or not. Commissioner Willis said that one of them was out on sick leave. It was stated that this incident was not related to the employee being out on sick leave. Commissioner Swift said that he didn't know why this report was included, saying that it was not pertinent since it is just an incident report. Carol Bass introduced herself as a member of the Board of Assessors said that it was presented with the minutes because it had been presented to the Board of Assessors. She said that the situation has been handled by the Board of Assessors and probably did not need to be reported to the Board of Commissioners.

Mr. Marro then said that there has been a change in the fuel report. The report had been set up incorrectly. Commissioner Willis said that the reports had been done wrong and that he had gone to the Public Works Department to speak with Todd Goolsby but Mr. Goolsby was out. Ms. Connie Dallas explained the report to Commissioner Willis.

Commissioner Collins asked why there have been no reports from Building and Grounds, the Fire Department or EMA. Mr. Marro said that he probably had not told them that they were needed and said that he would address the matter at the next department head meeting.

MOTION

Commissioner Powers made the motion to approve the monthly reports from county departments and authorities as submitted. Commissioner Willis seconded the motion. 4-0 vote.

CHAIRMAN MANGHAM CALLED FOR REPORTS FROM COMMISSIONERS, DEPARTMENTS AND COMMITTEES-COUNTY MANAGER REPORT

1. ACCG Commissioner training program. County Manager Marro said that if anyone is interested in attending the training session in November, please let Nancy Cook know so she can make the arrangements.

2. GA. Historical Records 'circuit-rider'. Pike County is one of the counties where they have offered their historical records expertise. They will discuss how long records are to be stored, in what manner they are to be stored, etc. No date has been set for this session. Mr. Marro asked that the CATF records storage committee sit in on the session. Willie Quiller has been working on the storage and relocation of records. Mr. Marro said that the county has a tremendous amount of paperwork that needs to be stored. This is a huge undertaking. Commissioner Collins asked that they be notified and said that he is interested in what can be digitized.

3. Update on Sells Road project. Mr. Marro congratulated Todd Goolsby and the road crew for their work on the ditch and erosion work. Mr. Marro said that he drove out and looked at the road and said that they did a great job.

4. *ARRA* BOND issuance notification. Notification came from ACCG regarding the bond issue through the *ARRA* bond program. Pike County has two sources of bond revenue available. One is the economic development bond allocation to Pike County in the amount of \$788,000.00. The county has also been authorized a facility bond allocation of \$1,182,000.00. The process set up through the State of Georgia for the *ARRA* program is to notify the Department of Community Affairs by November as to whether or not the county plans on utilizing any of the bonds that have been allocated. These bonds have been allocated based on the economic diversity and unemployment rates. If the county tells the DCA that it intends to use the full amount of both bonds by November 1, whatever is not used by July 1, 2010 automatically goes into the DCA without penalty. Mr. Marro asked for authorization to send a letter of intent. Commissioner Swift asked what the interest rate is. Mr. Marro said that he did not know what the interest rate was but thought it would be pretty palatable. Commissioner Collins said that it does not cost anything to apply. Commissioner Swift said that he wanted to know the interest rate and wanted an example of what each bond goes for. Mr. Marro said that the economic development bond goes towards infrastructure, facilities, the purchases of land, water and sewer lines, etc. Facilities would be remodeling the courthouse, pledge to the judicial complex that we're looking at. These are supposed to be 30 year bonds. Mr. Marro said that he had been told by the regional council that they thought the interest rate would be around 3%. Commissioner Swift recommended that this discussion be placed on the next agenda. Mr. Marro said that he will find out what the interest rate is and report back at the next meeting.

MOTION

Commissioner Collins made the motion to issue a letter of intent to the DCA saying we're going to use all of our allocation (available bond issuances through the ARRA program). Commissioner Willis seconded the motion. 4-0 vote.

5. Safety Inspector certification. Chris Goodman has reached the point in his training where LGRMS has advised the county that we will receive a 15% discount on workers compensation and liability insurance. This should be credited to the county sometime around January.

6. Up-date on the gas line in the northeast end of the County. Mr. Marro said that he hasn't heard back from anyone other than the person that he has been talking with about doing grant writing. It appears at this time that there is an EIP grant that can be applied for which is based on the tier ratings established by the Georgia Department of Community Affairs. This is based on the number of new jobs they are going to hire. Mr. Marro said that he is not aware of what that tier level currently is. He thought that the total dollar figure is around \$300,000.00 to \$350,000.00. The other program that would be available to the county is the GEFA program. Mr. Marro said that he is talking strictly grants here. Mr. Marro said that he is setting up a meeting with Senator Chance to try to get the GEFA project underway politically. Mr. Marro said that he has advised Atlanta Gas Light (AGL) that the committee that Commissioner Collins and Commissioner Powers sits on is awaiting tabulation of the amortization schedule for the loan, what their interest rates are, what the carrying costs are. Mr. Marro said that he sent an email to AGL on September 9th and has not heard back from them. The grant writing would take authorization from the Board of Commissioners to bring a grant writer on to start writing a GEFA grant or an EIP grant. Mr. Marro said that he would like to discuss this once he gets some cost figures together. Mr. Marro said also that Senator Isaacson's staff has indicated that they would be willing to do a senate bill add-on to the Department of Energy budget to pay for the cost of the project. Mr. Marro is waiting word on how to proceed with the grant writer.

7. McKinley Road engineering study found. The engineering was done by Paragon Engineering. The prints were prepared in May, 2003. The problem with the prints is that since they are so old, changes need to be made as the Georgia construction standards have changed since 2003. These prints need to be updated. Permit applications have never been done on this project, per Marro. The DOT standards must be updated. Erosion and pollution control need to be updated to phase 3. Easements, if necessary, need to be updated. Signage standards need to be updated as there have been dramatic changes in signage. The road may need to be resurveyed if the center alignment has changed at all but Mr. Marro said that he didn't think the road alignment had changed. Mr. Marro said that he had no idea of the price of the project but did say that prices are currently down.

Lastly, Mr. Marro discussed the monthly financial statements. He said that the cash flow had tightened up. The county is currently 4% under budget. Revenues are at 18% and should be at 17%. A LOST payment was received yesterday for \$77,000.00.

**CHAIRMAN MANGHAM CALLED FOR REPORTS FROM COMMISSIONERS,
DEPARTMENTS AND COMMITTEES-COMMISSIONERS REPORT**

District 1-Commissioner Willis said that he's gotten several calls on the fire fee that had been approved. Commissioner Willis said that a lot of people did not realize that a fee or tax had previously been included in their property taxes. Commissioner Willis asked County Manager Marro how the rate was figured. Was it a flat rate? Mr. Marro said that the prior fee was part of the millage rate. Mr. Marro said that last year it was about \$285,000.00 or about 0.054 mills. That was the amount out of last year's millage rate for fire protection. Commissioner Willis asked what that came to in dollars. Commissioner Swift said that it depended on their portion. Commissioner Willis asked for an average. Commissioner Swift said that it depends on your property taxes. County Manager Marro said that he would not have tabulated the tax bills the way they are done. He said that it is very confusing.

Next, Commissioner Willis showed pictures of the newly painted Tactical Response Unit. He said that money was donated along with the labor to paint this truck. He said that credit needed to be given to P&D Enterprises, Friendship Presbyterian Church, and Mr. and Mrs. Dabbs.

District 2-Commissioner Swift said that he wanted clarification on the Shawn Shoats case, saying that the information in the newspaper was 'mostly factual'. He said that he wanted to see the case file. He said that \$23,629.39 was taken from the Recreation Authority and that the restitution must be paid in full within 5 years. Commissioner Swift said that he wanted to know who Mr. Shoats' probation officer is.

Next, Commissioner Swift commented on a letter received from the City of Meansville pertaining to the fire department. He said that he is concerned about the response issues with the new fire engine that was purchased with S.P.L.O.S.T. funds. Commissioner Willis said that the letter stated that they do go outside the city limits with the fire truck but has heard that they do not. Commissioner Swift said that he did not support any funding for the Meansville Fire Department as they have done in the past.

Commissioner Swift then asked to have the rumors verified pertaining to the school building. County Manager Marro said that it is his understanding that the Downtown Development Authority has been offered an option to take over the facility. Mr. Marro said that he could not verify the figures. Commissioner Swift asked if the information came from a reliable source. Mr. Marro said that Mr. Blalock had been in his office and told him that the DDA was going to take over the old school building. Commissioner Swift asked if it was for a dollar. Mr. Marro said that he had heard that but did not know who it was that told him that. He said that he didn't know if there was any truth

to that or not. Commissioner Swift said that he would like to know. County Manager Marro said that the Pike County Board of Commissioners had offered \$168,000.00 for it. Commissioner Swift said that the Board had made many attempts to say that the building had been paid for once and should be sold to the county for one dollar.

District 3-Commissioner Powers said that he has received a number of calls on the fire tax or fee. He said that in one situation, a house is in Upson County and one acre of land is in Pike County. He is paying for fire service in both counties. Commissioner Powers said that with the new ISO rating, he will save \$800.00 on his insurance with State Farm. Commissioner Swift said that the cost had been incurred each year through the budget for fire and emergency services. Now it was just itemized out, per Swift. Commissioner Swift also said that the fire department has never been funded properly.

District 4-Commissioner Collins discussed the fire fee and stated that there are different ways to figure these amounts. He said that he has asked for the figures but has not been able to get them. He said that he did some calculations on the fire fee tax and found that in every case the fire fee tax would be a lot less than what the millage rate would have been to fund the fire districts and the ambulance service.

Commissioner Collins said that he was there this morning when the picture was taken of the Tactical Rescue Unit. He said that it is a feeling of goodwill when the community comes together and donates to help for these things. He said that everyone involved deserved a word of thanks.

Lastly, Commissioner Collins asked County Manager Marro to include the fire stations in the work that is done by the prison work crew. In addition to the work crew picking up trash on the road side, Commissioner Collins would like them to maintain the looks and the grounds of the fire stations. Commissioner Collins said that there's no sense in having a beautiful fire station if the grounds are going to look like an unkempt junk yard.

Commissioner Powers said that he had one more thing to discuss. He said that he had received a complaint about a fire truck sitting outside at the Lifsey Springs fire station. Commissioner Swift said that this is Engine 5 which will be moved to the Molena station. He said that it was ok for the trucks to sit outside. He said that the hoses don't even need to be dried anymore. Commissioner Swift also mentioned that the floor had been sealed at the Lifsey Springs station.

Commissioner Swift asked about the maintenance of the fire beds. He asked if the county was going to agree to the maintenance contract with Bennett. County Manager Marro said that they are trying to get some comparative bidding. Mr. Marro said that the prices given to him seemed to be considerably high.

Chairman Manghan had no report tonight.

CHAIRMAN MANGHAM CALLED FOR REPORTS FROM COMMISSIONERS, DEPARTMENT AND COMMITTEES-COUNTY ATTORNEY REPORT

County Attorney Morton said in response to a comment made by Commissioner Collins, he has spoken with a few of the probation services and they are ready, willing and able to refer folks to the county as soon as the county has designated somebody to supervise and take some responsibility for the program. Commissioner Swift asked if this would be Jonathan (Smith). Commissioner Willis said that he was the only one that is qualified. Mr. Marro agreed. Commissioner Collins said that Mayor Mike Beres has designated a supervisor in the city and said that maybe some partnership could be arranged there.

CHAIRMAN MANGHAM CALLED FOR PUBLIC HEARINGS

1. P&Z is requesting the BOC review the text Amendment to the Code of Pike County, Georgia Chapter 164, Fences and Walls, and Landscaped buffers between land uses and to approve the modifications. David Allen stated that this was reviewed over the summer and had gone before the Planning Commission twice due to the volume of questions and recommendations submitted. Mr. Allen said that with buffers being included in this, this is not a landscape ordinance. Buffers are included in this because they are intertwined with fences and walls in this ordinance in terms of providing screening.

Chairman Mangham opened the public hearing portion
Citizens speaking in favor:
John Morrison

Citizen speaking in opposition:
None

Chairman Mangham closed the public hearing portion.

MOTION

Commissioner Swift made the motion to approve this as the first reading (Text Amendment to Chapter 164, Fences, Walls and Buffers). Commissioner Powers seconded the motion. 4-0 vote.

2. P&Z is requesting the BOC review the text Amendment to the Code of Pike County, Georgia Chapter 52, Utility Right-of-Way Encroachment Ordinance and approve the modifications. David Allen said that this ordinance is in response to a number of complaints received where utility work is done and there were no basic standards. There were some instances where damage was done and not replaced back to where it was before. This will hold the companies responsible based on certain county standards and establish consequences for violation those standards.

Chairman Mangham opened the public hearing portion
Citizens speaking in favor:
John Morrison

Citizen speaking in opposition:
None

Chairman Mangham closed the public hearing portion.

MOTION

Commissioner Powers made the motion to approve (first reading of Text Amendment to Chapter 52, Utility right-of-way Encroachment Ordinance). Commissioner Swift seconded the motion. 4-0 vote.

Commissioner Swift asked what brought about this ordinance. Mr. Marro said that Georgia Broadband is what stimulated this ordinance. Pike County had no rules and regulations for how the cable is put in and what condition they need to leave the area in. County Attorney Morton said that he had discussed with Mr. Allen before the meeting that two of the ordinance before the Board tonight are not technically in the Land Use chapter but that's a minor issue.

3. P&Z is requesting the BOC review the Text Amendment to the Code of Pike County, Georgia US Highway 19 and US Highway 41 Overlay District Ordinance Chapter 160, Section 160.02 Area Jurisdiction and Chapter 160, Other Sections as Necessary for Re-numbering and approve the modifications. Mr. Allen said that this was a change to US Highway 19 and US Highway 41 overlay district that was approved back in the spring. The concern was with the there were standards for 400 feet from the center line of Highway 19. At 401 feet, you could do whatever you want to. Compromises were made. If you have a 600 foot deep lot and the 400 foot corridor is more than 50%, then the other 200 feet, the entire lot, must meet the full requirements.

Chairman Mangham opened the public hearing portion
Citizens speaking in favor:
John Morrison

Citizen speaking in opposition:
None

Chairman Mangham closed the public hearing portion.

MOTION

Commissioner Powers made the motion to approve (first reading of Text Amendment to US Hwy 19 and US Hwy 41 Overlay District Ordinance Chapter 160, Section 160.02). Commissioner Collins seconded the motion. 4-0 vote.

4. P&Z is requesting the BOC review the text Amendment to the Code of Pike County, Georgia Chapter 158, Section 158.08 General Permitted Signs. Chapter 158 Other Sections as Necessary for Re-numbering and approve the modifications. Mr. Allen said the purpose of this is to clarify temporary signs and individual parcel signs and no longer puts a limit on the number of campaign signs that you can have on a property Mr. Allen said that there are still size requirements for campaign signs.

Chairman Mangham opened the public hearing portion

Citizens speaking in favor:

John Morrison

Becky Watts

Citizen speaking in opposition:

None

Chairman Mangham closed the public hearing portion.

MOTION

Commissioner Powers made the motion to approve (first reading of Text Amendment to Chapter 158, Section 158.08 Generally Permitted Signs). Commissioner Willis seconded the motion. 4-0 vote.

Mr. Allen also stated that there are to be no political signs on the public right-of-ways.

5. P&Z is requesting the BOC review the text Amendment to the Code of Pike County, Georgia Chapter 152, Section 152.05 Floodplain Management Regulations and approved the modification. Mr. Allen said that the federal government stated that a few of the dates were wrong on the Floodplain Management Regulations. Mr. Allen said that they didn't want to hold up the Comp Plan so they'll agree to the dates as listed by the federal government.

Chairman Mangham opened the public hearing portion

Citizens speaking in favor:

John Morrison

Doug Rounds

Citizen speaking in opposition:

None

Chairman Mangham closed the public hearing portion.

MOTION

Commissioner Swift made the motion that we approve the first reading of this Amendment (Text amendment to Chapter 152, Section 152.05 Floodplain Management Regulations). Commissioner Collins seconded the motion. 4-0 vote.

CHAIRMAN MANGHAM CALLED FOR UNFINISHED BUSINESS

1. The BOC is requested to appoint one (1) member to the Water and Sewerage Authority. This term expires in December, 2013. Applications were received from:
Steven Brown
Mark Whitley

MOTION

Commissioner Powers made the motion to appoint Steve Brown to the Water and Sewerage Authority. Commissioner Swift seconded the motion. 4-0 vote.

2. P&Z is asking the BOC to review and approve the adoption of revisions to the Pike County Comprehensive Plan. Mr. Allen said that all of the requirements had been completed on the Comp. Plan. The state had a 60 day waiting period on the requirement for the adoption of the partial update. This 60 day period was satisfied as of today. Mr. Allen asked that the Board of Commissioners sign the resolution for the adoption resolution for the Pike County Comprehensive Plan Partial Update.

MOTION

Commissioner Swift made the motion that we adopt the resolution for the comprehensive plan and sign it accordingly. Commissioner Powers seconded the motion. 4-0 vote.

3. The County Manager has supplied the BOC with updated expenditures to the current S.P.L.O.S.T. Is there any discussions? Mr. Marro asked Commissioner Collins if this information was what he had requested. Commissioner said that it was.

A five minute break was taken at this time. (8:05 pm)

CHAIRMAN MANGHAM CALLED FOR NEW BUSINESS

1. The Finance Department is requesting the BOC approve a FY 2009 Budget Amendment #8 to increase Vehicles M&R and to increase Miscellaneous Revenue. A Donation was made from Friendship Presbyterian Church and P&D Enterprises Body Shop for money and services toward paining the Tactical Response Unit.

MOTION

Commissioner Swift made the motion to approve Budget Amendment #8. Commissioner Willis seconded the motion. 4-0 vote.

2. The Finance Department is requesting the BOC approve a FY 2009 Budget Amendment #9 to increase Capital Outlay-Property and Building and decrease Contingencies for the acquisition of land. Commissioner Swift asked if this was the same property that was discussed in Executive Session and was told that it was.

MOTION

Commissioner Swift made the motion to approve Budget Amendment #9.
Commissioner Willis seconded the motion. 4-0 vote.

3. The BOC is requested to appoint one (1) member to the Pike County Board of Family and Children Services. Term expires June, 2014. Applications were received from
Fred Blackmon
Patricia Beckham
Christina Parker

MOTION

Commissioner Willis made the motion to appoint Patricia Beckham to Pike County Board of Family and Children Services. Commissioner Swift seconded the motion.
4-0 vote.

4. Mr. Goolsby is requesting a discussion for the road closure request for Pitts Road between Kings Road and Hagan's Mountain Road. Public Works Director Todd Goolsby stated that this is really just a cut through road. He said that he has spoken with the land owner on both side, Mr. Emory Alexander, and he has no problem with it. This will help out with safety as it is a bad intersection. Commissioner Swift asked what is going to happen to the road. Mr. Goolsby said that it will be deeded back over to the landowner. County Attorney Morton said that the abandonment procedures will need to be followed. Mr. Marro said that the landowner has agreed to buy the property. County Attorney Morton wanted the record to show that in the interim, that road is closed.

MOTION

Commissioner Swift made the motion to close that section of road (Pitts Road between Kings Road and Hagan's Mountain Road) and proceed with abandonment procedures. Commissioner Powers seconded. 4-0 vote.

5. David Allen of Planning and Development is requesting clarification on how the Board of Commissioners would like to proceed concerning the plat for the "Estate of Sam W. Powers." ***Please note that Commissioner Powers excused himself and sat in the audience for this discussion.* Mr. Allen said that the estate is that of the brother of Commissioner Powers. Mr. Allen said that this pertains to a ten acre land-locked parcel and a parcel surrounding it. Per the estate and will of Mr. Sam Powers, he made provisions for his children. Certain children were to have the home and then have access to the property, cutting up the parcels to give them access to the property from the road. There had been a provision in the code for a family subdivision to be exempt from being considered a subdivision but was rescinded in 2005 due to widespread abuse. Mr. Allen said that Mr. Ricky Williams, family member of Mr. Powers, had been advised that this is considered a major subdivision which would require Planning Commissioner review and approval plus a \$500.00 fee. This land now has six tracts and anything with more than four proposed lots goes to the Planning Commission as a major subdivision. Commissioner Swift asked if this needed to be in the form of a

public hearing and Mr. Allen said that it did. Mr. Allen said that the only thing that made this different was a court order from Probate Court requesting to settle the plat as it is now to provide for the heirs to have access to the property. It also mentioned the refund of the \$500.00 fee. This is dated April, 2009. Mr. Allen asked if this should proceed on as with any other subdivision or does the court order carry enough weight. Commissioner Swift said that this should proceed as any other parcel of land. Chairman Mangham said that he agreed with Commissioner Swift and said that it should go through Planning and Zoning. Commissioner Willis said that he read the will and that it would be different if it was being split three ways, for the two daughters and one son. He agreed to send this to the Planning Commission just like any other major subdivision.

*** Please note that Commissioner Powers rejoined the Board at this time.*

6. Mr. Ron Alexander has requested his renewal of a 2010 beer and wine pouring license for Barnstormers Grill.

MOTION

Commissioner Powers made the motion to approve Ron Alexander's request for renewal of the Pouring License for Barnstormer's Grill. Commissioner Willis seconded the motion. 4-0 vote.

7. The First Baptist and First Methodist churches have requested use of the south side of the courthouse grounds on Saturday, November 7, 2009 from 6:00 am until 4:00 pm for a Children's Home Bar-B-Q.

MOTION

Commissioner Swift made the motion to allow the First Baptist and First Methodist Church to use the Courthouse grounds on Saturday, November 7, 2009 from 6:00 am until 4:00 pm for a Children's Home Bar-B-Que. Commissioner Willis seconded the motion. 4-0 vote.

CHAIRMAN MANGHAM CALLED FOR EXECUTIVE SESSION

-To discuss the subject of Land Acquisition pursuant to O.C.G.A. § 50-14-3(4)

MOTION

Commissioner Powers made the motion to go into Executive Session at 8:23 pm. Commissioner Willis seconded the motion. 4-0 vote.

MOTION

Commissioner Powers made the motion to go back into open session at 8:29 pm. Commissioner Willis seconded the motion. 4-0 vote.

Commissioner Powers made the motion to adjourn but was told that the public

comment portion had not taken place. Chairman Mangham then called for Ms. Joy Walker to speak.

CHAIRMAN MANGHAM CALLED FOR PUBLIC COMMENT

-Ms. Joy Walker has asked to speak with the Board of Commissioners. Ms. Walker said that the Board recently had a meeting with Georgia Farm Bureau for breakfast. She said that it is her personal opinion that the Board did not violate the law. She did say that a few years ago she sat in the same spot as tonight, begging the Board to obey the law. Because they were so arrogant, per Ms. Walker, they lost three lawsuits on violations of the Sunshine Law. This cost the county a lot of money and gave the Board of Commissioners a bad reputation. Ms. Walker asked the Board why they would put themselves into the position of the appearance of impropriety with the reputation that the Board of Commissioners has for violating the Sunshine Law, particularly when it is with a political group such as Georgia Farm Bureau. Ms. Walker said that the only contact that the Board has with citizens is remarks at the end of the meeting. Ms. Walker said that Don Collins is the only commissioner that has town hall meetings. The Board has done away with the town hall meetings at the regular BOC meetings. Ms. Walker suggested that the Board get input from the citizens that take the time to go to the meetings. Ms. Walker suggested a 15 minute or 30 minute town hall meeting prior to regular monthly meetings. This way, the citizens will have an opportunity to look at the agenda and give some input to the Board before the decisions are made. Ms. Walker said that some of the comments might not be what the Board wants to hear but part of being a good leader is listening to disagreements about what you think and also agreements to what you think. This puts you into the position of being able to make the best decision possible, per Walker. Ms. Walker thanked the Board for paying attention to what she had to say.

MOTION

Commissioner Powers made the motion to adjourn at 8:35 pm. Commissioner Willis seconded the motion. 4-0 vote.

Chairman Doug Mangham
Pike County Board of Commissioners

ATTEST:

Steve Marro
County Manager